

Minutes of the Board of Adjustment meeting held on Monday, August 11, 2008, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Rosi Haidenthaller, Chair  
Joyce McStotts, Vice-Chair  
Wendell Coombs, Jr.  
Tim Tingey, Community Development Director  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Jonathan Russell  
Connie Howard

There was a Pre-Meeting held where the Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

#### APPROVAL OF MINUTES

Rosi Haidenthaller asked for additions or corrections to the minutes of June 9, 2008. Wendell Coombs made a motion to approve the minutes. Joyce McStotts seconded the motion.

Voice vote was taken. Minutes approved 3-0.

Rosi Haidenthaller explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and that financial issues are not considered a hardship.

#### CASE #11361 - CHRIS GOCHNOUR - 4737 South Cherry Street

Chris Gochmour was the applicant present to represent this request. Tim Tingey reviewed the location and request for variances for off-street parking standards to allow a 13 foot wide driveway whereas Municipal Code requires a 24 foot wide driveway, and a 5 foot variance for landscaped areas adjacent to the driveway. The property is located within the M-G-C zone. Murray City Code 17.72.100(C)(1) requires a twenty-five (25) foot driveway access. The applicant is proposing a driveway width of 13 feet which is 12 feet less than what is required for a driveway width. Municipal code 17.72.100(C)(2) also requires a five (5) foot setback for the driveway. The site is located within the Manufacturing General zoning district. The lot is approximately 47' X 132' (6,204 sq.ft.) in size. The applicant proposed to utilize the site for a small scale woodworking studio to make wood handcrafted furniture. The applicants site plan shows the existing home and proposed site for the parking areas. With modifications to the site, the applicant will meet the parking space requirements for the site and the spacing required to allow customers to access the public right-of-way in a forward motion. The applicant has indicated that the use will have low impact including no employees, no retail, no office and minimum impact due to few visitors to the site. The applicant indicated that the lot is small and narrow and that the existing home is historical. The request comes from circumstances peculiar to the property and relates to the hardship of utilizing the property in a manner that the applicant desires with limited space. The parcel size makes it difficult to meet the strict terms of the land use ordinance and to utilize the site for the proposed use. Additionally, most of the other properties in the area have more than one parcel which provides more space for the other uses in the area. With the limited size of the parcel it is difficult to meet the land use standards which would deprive the applicant privileges granted to the other property owners in the area. Based upon the review and analysis of the application material, subject site and surrounding area, and applicable municipal code sections, staff recommends approval of the variance request.

Chris Gochmour, 4737 South Cherry Street, stated he is the property owner. Mr. Gochmour stated he is desirous to have a woodworking business. He stated that he has lived in Murray for 25 years and is a self taught furniture maker, writer and instructor. He teaches furniture making at the Salt Lake Community College and wood sculpture at the University of Utah. In addition, he is a frequent contributor to Fine Woodworking Magazine. He also builds commissioned furniture and an example of such furniture can be found in the Governors Ceremonial Office at the Utah State Capitol. He purchased this property with the dream of having a small woodworking business where he will build a limited number of furnishings each year. He works primarily alone, but occasionally has an apprentice. His clients commission the furniture he builds. His interaction with his clients is generally through a designer at their office or at a clients home so the scope and scale of his business is very different than a typical woodworking business or cabinet shop. The shop at the rear of the property will be remodeled with attractive windows and doors setting it apart as a first rate artisans workshop. The historical home will be used for its bathroom facilities, break room and storage and adds character to the neighborhood and conceals the off-street parking. Due to the pre-existing structures, the driveway fails to meet the city standards width requirements. The narrow lot also presents a problem for the landscape requirement on the south boundary.

Mr. Gochmour stated he faces a hardship by the special circumstances caused by the property that he did not create. This lot is .14 acre and 49 feet wide. Relative to other properties in the area it is very small and narrow. There is a good reason for that, Cherry Street was one of the first subdivisions in old Murray. The Healy family built the home on the property in 1910. It is listed in the Murray history inventory compiled by the Murray Arts Advisory Board. This property and others originally served a residential purpose where a small and narrow lot size worked fine. As the city evolved, the zoning changed and properties that were small like this were consolidated so as to better meet the intent of the land use. This property is the exception to that case because it has remained a residential use even as the property has been rezoned to manufacturing. This property is now noncompliant with the city's general plan. He wishes to bring the property into compliance for land use, but needs a variance to do so. This lot is currently  $\frac{1}{2}$  to  $\frac{1}{6}$  of the consolidated adjacent properties. Adjacent lots range in width from 86 to 258 feet. This creates a special circumstance for this property and the driveway width alone is 50% of the total property width. The driveway has been modified in a fashion so that vehicles will have access both ingress and egress in a forward motion so that public safety will not be an issue. The site has 653 sq.ft. of landscaping in the front of the property, including a tree, lawn and wild flowers. The property size limits his type of business and future types of business and no business owner will be able to be licensed for an intense use because there is only room for three parking spaces and there is a natural limit to use, intensity of use, traffic flow and employment levels. He stated that granting the variance would allow him as a property owner to meet the literal intent and spirit of the land use ordinance despite the constraint of the lot size.

Rosi Haidenthaller asked about the parking spaces and location. Mr. Gochmour responded that the parking spaces are located to the rear of the home and are 90 degree parking stalls. He explained the studio will be in the garage at the rear of the property. Mr. Gochmour stated that generally he picks up his own lumber at the lumber yard and he does not have lumber yard type deliveries. He stated the home will not be used as a residence or for office use because of the requirement for additional parking stalls and the home will simply be used for bathroom facilities, a break room and some storage areas related to his business.

No comments were made by the public.

Wendell Coombs made a motion to grant the variance as requested based on staff findings and meeting the five criteria of the law. This variance does not substantially adversely affect the zoning and spirit of the law and by granting this variance it would indeed be an improvement to the area. Seconded by Joyce McStotts.

Call vote recorded by Ray Christensen.

|          |                   |
|----------|-------------------|
| <u>A</u> | Mr. Coombs        |
| <u>A</u> | Ms. Haidenthaller |
| <u>A</u> | Ms. McStotts      |

Motion passed 3-0.

CASE #1363 - MICHAEL AYOTTE - 5454 South 555 West

Michael Ayotte was the applicant present to represent this request. Ray Christensen reviewed the location and request for a rear yard setback variance in order to construct an addition to the back of his dwelling. The applicant is requesting a 3 foot variance for a 12 foot rear yard setback to construct a residential addition to his home. Murray City Ordinance Section 17.100.08D requires the rear yard shall meet a 15 foot rear yard setback for homes constructed prior to April 7, 1987. The original house was built prior to 1987. The site is located within the R-1-8 single family residential zone. The property contains 8,360 sq.ft. of area. The R-1-8 zone regulations requires a minimum of 15 feet rear yard setback. The front yard setback requirement is 25 feet. The plans show the house is setback about 27 feet from the front property line and not 31 feet as represented by the applicant. The property line is behind the sidewalk and the measurement for setback is taken from the property line. The location and front of the existing house limits the rear yard area on this corner lot and the literal enforcement would reduce the addition to about 9 feet wide. The plans show the existing rear yard setback is about 23.5 feet. There are some circumstances related to this property with the location of the dwelling and the orientation of the front of the dwelling on this corner property that limits the size of the addition regarding the ordinance requirements which deprive the property owner of privileges granted to other properties in the community. Based on review and analysis of the application materials, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community & Economic Development staff finds that the proposal meets the standards for a variance.

Michael Ayotte, 5454 South 555 West, stated that he petitioned the neighborhood and obtained 17 signatures from the immediate neighborhood with exception of one neighbor who was not home. He submitted the petition to the Board members. He stated the adjacent property owner, the Kammerman's, also signed the petition favoring the variance. The adjacent home is about 12-15 feet from the property line. He stated the existing carport on his property is in disrepair and will be removed. He stated the home was originally built in 1958. He explained that the variance is needed for only a portion of the home. He stated the proposed location adjacent to the kitchen is the only logical place to have the dining room addition. Mr. Ayotte that he measured from the back of the home to the rear fence which is 24 ½ feet.

Robert Lawrence, 5473 South Capri Drive, stated that the Ayotte's have improved the property since they moved into the home and that he was in favor of the variance requested.

Wendell Coombs made a motion to grant the variance as requested based on the staff report, the photos presented and other neighbors that appear to have encroached into the rear yards. He stated that it appears that the applicant does meet the spirit of the law. The home has

existed on the site for 50 years and an encroachment by 3 feet will not negatively impact the zoning ordinance and standards for this area. Seconded by Joyce McStotts.

Call vote recorded by Ray Christensen.

  A   Mr. Coombs  
  A   Ms. Haidenthaller  
  A   Ms. McStotts

Motion passed 3-0.

Meeting adjourned.

---

Ray Christensen  
Senior Planner